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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3736 : PATENT APPLICATION
Examiner David J. McCrosky :
In re application of : **APPARATUS FOR MONITORING**
HEALTH, WELLNESS AND FITNESS
TELLER ET AL :
Serial No. 09/923,181 :
Filed August 6, 2001 :

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Pittsburgh, Pennsylvania 15222

January 9, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECHNOLOGY CENTER R3700

Sir:

In accordance with the provisions of 37 C.F.R. §§1.51, 1.56, 1.97 and 1.98, the art identified on attached form PTO-1449 enclosed herewith is cited in connection with the captioned application. The applicants hereby request the Examiner to review and make an independent evaluation of the art. By filing this Information Disclosure Statement, the applicants are not admitting that any reference actually qualifies as prior art, and applicants

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

January 9, 2004
Date of Deposit

Philip E. Levy, Esq.
Name of Person Signing

Philip E. Levy
Signature

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reserve the right to argue that any reference does not qualify as prior art should they deem it necessary to do so. Copies of the following references are provided:

Lipsey, United States Patent No. 4,192,000

Noehte, German Patent No. DE 198 32 361 A1

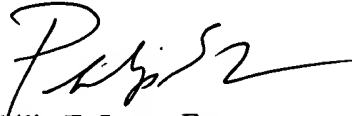
Applicants note that DE 198 32 361 A1 is not in the English language. This reference was cited in a search report from a corresponding foreign (PCT) application. A copy of that search report is enclosed. Pursuant to 37 C.F.R. §1.98(a)(3)(i), that search report provides a concise explanation of the relevance of this reference as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content thereof.

No fee is believed to be required in connection with the filing of this Information Disclosure Statement under 37 C.F.R. §1.17(p) since it is being filed in compliance with 37 C.F.R. §1.97(c), after the mailing of the first Office Action but before the mailing date of a final action or a Notice of Allowance in the above-captioned application. I hereby certify that United States Patent No. 4,192,000 was not cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge, after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. German Patent No. DE 198 32 326 A1 was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Applicants believe that their APPARATUS FOR MONITORING HEALTH, WELLNESS AND FITNESS as described and claimed in the present application is neither taught nor suggested by this art. Accordingly, applicants' invention is believed to be patentable over these references.

Respectfully submitted,

METZ LEWIS LLC

A handwritten signature in black ink, appearing to read "Philip E. Levy", with a long horizontal flourish extending to the right.

Philip E. Levy, Esq.

Reg. No. 40,700

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